

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
William R. Selbig, Regional Director

Oshkosh Service Center
905 Bay Shore Drive
P.O. Box 2565
Oshkosh, Wisconsin 54903
Telephone 920-424-3050
FAX 920-424-4404

September 22, 1998

Kimberly Clark - Neenah Paper Mill
Attn: Robert Waldron
PO Box 2003
Neenah WI 54957-2003

SUBJECT: Conditional Closure of Kimberly Clark-Neenah Paper Mill
BRRTS ID # 02-71-0625

Dear Mr. Waldron:

On September 1, 1998, the Northeast Region Closeout Committee met to discuss various sites. The committee has agreed to close this site pending a groundwater use restriction. This groundwater use restriction will state that inaccessible groundwater contamination may remain at this site and that additional remedial action is not feasible at this time. The document would be placed in the file with the deed running with the property.

Only when the groundwater use restriction has been finalized and filed with Winnebago County can this site be closed. To complete the deed notification, the Department requires a complete (unabbreviated) legal description and map of the property. This may be obtained from the Winnebago County Register of Deeds.

As soon as this is submitted, the Department will send you a draft copy of the groundwater use restriction, containing language regarding the remaining groundwater contamination. A revised copy will be sent for your review and signature. If it is acceptable, you are to sign it and return a signed copy along with proof of filing to the Department for our files. At that time, the site will be closed.

This groundwater use restriction is an option which the Department can offer in order to close this site. If you choose not to accept this option, you may perform additional investigation and cleanup of the remaining contamination. Within 14 days please submit a letter to the Department documenting your intentions.

If you have any additional relevant information which was not formerly provided to the Department, you should submit this information to the Department for reevaluation.

If you have any questions, please contact me at (920) 424-7890.

Sincerely,

Kevin D. McKnight
WDNR, Hydrogeologist
mcknik@dnr.state.wi.us



*Quality Natural Resources Management
Through Excellent Customer Service*



Document Number

GROUNDWATER USE RESTRICTION



In Re: The real estate more particularly described in Schedule "A" attached hereto and made a part of this document.

1046304

✓
REGISTER'S OFFICE
WINNEBAGO COUNTY, WI
RECORDED ON

02-09-1999 02:02 PM

SUSAN WINNINGHOFF
REGISTER OF DEEDS

RECORDING FEE 18.00
TRANSFER FEE
OF PAGES 5

Recording Area

Name and Return Address

Neenah Paper

135 North Commercial St.
P. O. Box 2003
Neenah, WI 54957-2003
(920) 721-2721

Declaration of Restrictions

STATE OF WISCONSIN)
COUNTY OF Winnebago) SS

Parcel ID Number

WHEREAS, Kimberly - Clark Corporation is the owner of the above described property.

WHEREAS, one or more Petroleum related discharges have occurred at this property. Benzo-a-Pyrene contaminated groundwater above ch. NR 140, Wis. Adm. Code enforcement standards exists on this property at the following location(s): MW-7 with 0.63ppb(parts per billion) and at MW-9 with 2.8 ppb (as shown in Figure 1 which is attached and made part of this restriction).

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct additional groundwater or soil remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater exceeding ch. NR 140, Wis. Adm. Code groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality exceeds the drinking water standards in ch. 809, Wis. Adm. Code is restricted by ch. NR 811, Wis. Adm. Code and ch. NR 812, Wis. Adm. Code. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific prohibitions or requirements are applicable and to obtain Department approval, prior to constructing or reconstructing a well on this property. No well may be constructed or reconstructed on this property unless applicable requirements are met.

his restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction inures to the benefit and is enforceable by, the Wisconsin Department of Natural Resources, its successors and assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that the restrictions set forth in this covenant are no longer required. Upon receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit can be recorded to give notice that this groundwater use restriction is no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 27th day of JANUARY, 19 99.

By signing this document, Terry E. Kinnamon acknowledges that [he/she] is duly authorized to sign this document on behalf of Kimberly - Clark Corporation.

Signature:

Terry E. Kinnamon

Printed Name: Terry E. Kinnamon

Title: President, Neenah Paper

Subscribed and sworn to before me

this 27th day of JANUARY, 19 99.

Brenda W. Albritton

Notary Public, State of GEORGIA

My commission EXPIRES MAY 15, 2001

Notary Public, Fulton County, Georgia
My Commission Expires May 15, 2001

This document was drafted by the Wisconsin Department of Natural Resources

Schedule A

..all that part of Block One (1) in the WATER POWER PLAT, City of Neenah, Winnebago County, Wisconsin, and the vacated portion of Water Street lying between Commercial Street and the railroad right-of-way, and also all that part of the Fox River described as follows:

Commencing at the intersection of the Northerly line of Wisconsin Avenue with the Easterly line of Commercial Street in said City of Neenah; thence North 30°46' East along the Easterly line of Commercial Street 619.8 feet to the Northerly bank of the canal; thence Southeasterly along the Southerly face of the retaining wall which defines the North bank of the canal to the point of intersection with Westerly line of the Chicago & Northwestern Railway right-of-way line, said point being 600.4 feet North 32°45' West of the center line of Wisconsin Avenue; thence North 32°45' West along the railroad right-of-way line 521.7 feet to the middle thread of the Fox River; thence North 74°05' West along the middle thread of the Fox River to the Easterly line of Commercial; thence South 30°46' West along the Easterly line of Commercial Street 311.2 feet to the point of beginning.

Also the following described parcel in the City of Neenah, Winnebago County, Wisconsin.

Commencing at the intersection of the centerline of Wisconsin Avenue with a line parallel with and 27 feet North 57°15' West of the Easterly right-of-way line of the Chicago & Northwestern Railroad said point being at the center line of the railroad tracks; thence North 32°45' East along the center of the tracks and parallel with the right-of-way 648.70 feet; thence South 49°22' East 27.25 feet to the point of beginning; thence South 49°22' East 327.75 feet; thence North 32°45' East about 444.4 feet to the middle thread of the Fox River; thence Northwesterly along the middle thread of the Fox River to a point 483.1 feet North 32°45' East of the point of beginning; thence South 32°45' West along the railroad right-of-way line 483.1 feet to the point of beginning.

AND

All that part of Water Street as layed out and platted in the WATER POWER PLAT, situated in the Southwest ¼ of Section 22, Township 20 North, Range 17 East, City of Neenah, Winnebago County, Wisconsin, more fully described as follows:

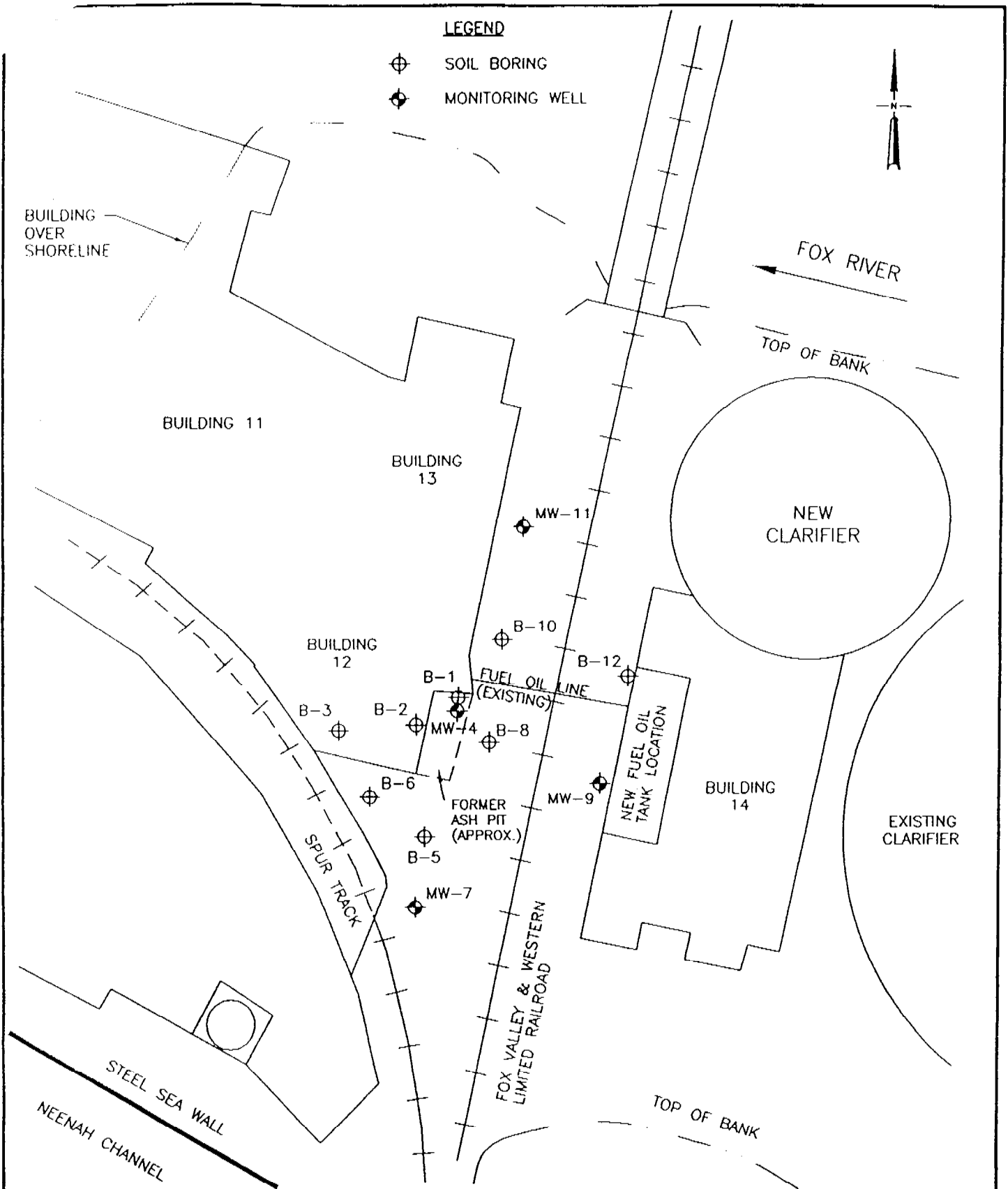
Beginning at the intersection of the Kimberly-Clark Corporation (formerly Neenah Paper Company) South property line with the Eastern boundary line of Commercial Street; thence proceeding South 30°46' 1.10 feet; thence South 76°37' East 24.6 feet; thence South 63°51' East, 138.1 feet; thence South 52°59' East, 36.3 feet; thence South 46°56' East, 76.3 feet; thence South 41°48' East, 89.3 feet; thence South 39°12' East 139.1 feet; thence South 71°27' East to the Western right of way line of the railroad bridge of the Chicago and Northwestern Railroad Company; thence Northerly along the railroad right of way line to the Neenah & Menasha Water Power Company and Kimberly-Clark Corporation (formerly Neenah Paper Company) property line; thence Westerly along said property line to the point of beginning.

AND

The Northeasterly 5 feet by 208 feet of the property reserved as an easement by Company under a Warranty Deed dated October 2, 1920, recorded in Winnebago County Registry in Volume 330 on page 554, upon that real estate located in the Southwest ¼ of Section 22, Township 20 North, Range 17 East, and of the Fox River located thereon, all in the First Ward, City of Neenah, and more specifically described as commencing at the point of intersection of the Center line of Wisconsin Avenue with the Center line of the Railroad Tracks located on the Right of Way of the Chicago and Northwestern Railway Company, the Center line of said Railroad tracks being North 57°15' West, 27 feet, of the Easterly line of said Right of Way; thence North 32°45' East, along the Center line of said Tracks, 648.7 feet; thence South 49°22' East, 27.25 feet, the place of beginning; thence South 49°22' East, 327.75 feet; thence North 32°45' East, 444.4 feet, more or less, to the Middle Thread of the Fox River; thence Northwesterly along the Middle Thread of the Fox River to a point that is North 32°45' West, 483.1 feet, to the place of beginning.

AND

strip, piece, belt or parcel of land, extending from a point immediately Westerly from the main line of the Chicago & Northwestern Railway (now Chicago Northwestern Transportation Company) where the same crosses the South branch of the Fox River; thence along the South bank of said South branch in a general Westerly direction parallel with and immediately Northerly of the track of the Chicago & Northwestern Railway Company along said South bank of said South branch to a point 25 feet Southerly (measured at right angles) from the centerline of the main track of the Soo Line Railroad Company's railroad in the City of Neenah, together with all trestles, piling, timbers, rails and other track material now situate and being thereon, being the spur track now known as track number 108 of said Soo Line Railroad Company. It being the intent to convey a portion of the real estate described in deed dated October 21, 1895 and filed in said Winnebago County in Volume 171 of Deeds, page 646-647.



STS Consultants Ltd.
Consulting Engineers

PROJECT/CLIENT

SOIL BORING AND MONITORING WELL LOCATION
NEENAH PAPER
BUILDING 12 SUBSURFACE INVESTIGATION
NEENAH, WISCONSIN

DRAWN BY D.J.M. 2-5-96

CHECKED BY

APPROVED BY

MAB 4-8-96

SCALE

1" = 50'

FIGURE NO.

2

STS DRAWING NO.

21551XF

LEGEND

⊕ SOIL BORING

⊕ MONITORING WELL

88.5' GROUNDWATER ELEVATION (ft.)

—88.5— GROUNDWATER CONTOUR

→ GROUNDWATER FLOW DIRECTION

BUILDING OVER
SHORELINE

BUILDING 11

BUILDING 13

BUILDING 12

FORMER
ASH PIT
(APPROX.)

FUEL OIL LINE
(EXISTING)

NEW FUEL OIL
TANK LOCATION

BUILDING 14

EXISTING
CLARIFIER

ELEVATIONS ON 4-17-96

| | |
|-------|--------|
| MW-7 | 90.38' |
| MW-9 | 90.36' |
| MW-11 | 90.33' |

SPUR TRACK

FOX VALLEY & WESTERN
LIMITED RAILROAD

STEEL SEA WALL
NEENAH CHANNEL

FOX RIVER

TOP OF BANK

NEW
CLARIFIER

TOP OF BANK



STS Consultants Ltd.
Consulting Engineers

PROJECT/CLIENT

GROUNDWATER CONTOUR MAP (12/8/95)
NEENAH PAPER
BUILDING 12 SUBSURFACE INVESTIGATION
NEENAH, WISCONSIN

DRAWN BY

D.J.M.

4-12-96

CHECKED BY

APPROVED BY

MA3

4-27-96

SCALE
1" = 50'

FIGURE NO.
3

STS DRAWING NO.

21551XF

| Parameter NS/C&S | Units | NS | NS | MW-4 | | MW-7 | | MW-9 | | MW-11 | | NS | NS | NS | NS | NS | NS | NS | NS | NS |
|----------------------------|-------|-----|----|---------|--------|---------|--------|---------|--------|---------|--------|-----|------|------|------|------|------|------|------|------|
| | | | | 12/1/96 | 3/1/97 | 12/1/96 | 3/1/97 | 12/1/96 | 3/1/97 | 12/1/96 | 3/1/97 | | | | | | | | | |
| PAHs | | | | | | | | | | | | | | | | | | | | |
| Benzene | ug/L | 5 | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS |
| Ethylbenzene | ug/L | 700 | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS |
| Methyl tert Butyl Ether | ug/L | 40 | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS |
| Toluene | ug/L | 145 | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS |
| 1,2,4 Trimethyl Benzene | ug/L | — | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS |
| 1,3,5 Trimethyl Benzene | ug/L | — | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS |
| PAHs | | | | | | | | | | | | | | | | | | | | |
| Acenaphthene | ug/L | — | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS |
| Acenaphthylene | ug/L | — | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS |
| Anthracene | ug/L | — | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS |
| Benz(a) Anthracene | ug/L | — | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS |
| Benz(a) Pyrene | ug/L | — | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS |
| Benz(b) Fluoranthene | ug/L | — | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS |
| Benz(g,h,i) Perylene | ug/L | — | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS |
| Benz(k) Fluoranthene | ug/L | — | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS |
| Chrysene | ug/L | — | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS |
| Dibenz(a,h) Anthracene | ug/L | — | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS |
| Fluoranthene | ug/L | — | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS |
| Fluorene (1,2,3-cd) Pyrene | ug/L | — | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS |
| 1-Methyl Naphthalene | ug/L | — | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS |
| 2-Methyl Naphthalene | ug/L | — | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS |
| Naphthalene | ug/L | — | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS |
| Phenanthrene | ug/L | — | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS |
| Pyrene | ug/L | — | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS | NS |
| Natural Attenuation | | | | | | | | | | | | | | | | | | | | |
| pH | uS | NA | NA | 7.3 | 7.6 | 7.37 | 7.10 | 7.60 | 7.60 | 7.61 | 7.20 | 7.5 | 7.02 | 7.6 | 8.20 | 6.62 | 6.78 | 6.72 | 6.50 | 6.30 |
| Conductivity | mg/L | NA | NA | 680 | 580 | 500 | 540 | 840 | 687 | 560 | 1155 | 560 | 438 | 1330 | 1060 | 1990 | 1945 | 1840 | 1385 | 1305 |
| Temperature | °F | NA | NA | 63 | 55 | 48.6 | 61 | 69 | 68 | 48.7 | 61 | 70 | 69 | 60 | 53.6 | 54.6 | 65 | 71 | 65 | 63 |
| Chloride | mg/L | NA | NA | NS | NS | NS | 30 | <15 | 1000 | NS | NS | <15 | 1900 | NS | NS | <15 | <15 | <15 | 180 | 180 |
| Nitrate | mg/L | NA | NA | NS | NS | NS | <1 | <1 | <1 | NS | <1 | <1 | <1 | NS | NS | <1 | <1 | <1 | <1 | <1 |
| Dissolved Oxygen | mg/L | NA | NA | NS | NS | 1 | 1.0 | 1.0 | 1.0 | NS | 1.0 | 1.0 | 1.0 | NS | NS | 1 | 1.5 | 1.0 | 1.0 | 1.0 |
| Sulfate | mg/L | NA | NA | NS | NS | NS | 6 | 7.0 | 7.7 | NS | 190 | 29 | 17 | NS | NS | 220 | 210 | 390 | 130 | 130 |

Notes:

NR = Not Reported
NA = Not Applicable
MW-4, MW-7, MW-9, MW-11 = NR 140 Preliminary Action Limit Exceedance (October 1996)
MW-4, MW-7, MW-9, MW-11 = NR 140 Enforcement Standard Exceedance (October 1996)
PAH's analysis conducted in accordance with USEPA method 807.1
PAH's analysis conducted in accordance with USEPA method 831.0
NS = Not sampled
NA = Not applicable